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Attorneys for Reorganized Debtors

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re :  
: :  
: :  
Dana Corporation, *et al.*, : Case Nos. 1:08-CV-01037 (PAC)  
: : 1:08-CV-01038 (PAC)  
: :  
: :  
Appellee. :  
: :  
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**MOTION OF REORGANIZED DEBTORS  
TO CONSOLIDATE APPEALS**

Appellee Dana Corporation (“Dana”) along with its other affiliate debtors (collectively, the “Reorganized Debtors”) hereby file this motion to consolidate the above captioned appeals (the “Motion”) filed by the Ad Hoc Committee of Personal Injury Asbestos Claimants (the “Ad Hoc Committee”), and Jose Angel Valdez (“Valdez” and, together with the Ad Hoc Committee, collectively, the “Appellants”). In support of the Motion, the Reorganized Debtors respectfully represent as follows:

1. The above captioned appeals are from the Order Confirming Third Amended Joint Plan of Reorganization of Debtors and Debtors In Possession of the United States Bankruptcy Court for the Southern District of New York entered December 26, 2007 (the “Order”) (Docket No. 7509).

2. The factual and legal record supporting the Order is identical with respect to both Appellants; the records on appeal submitted with respect to each of the above captioned appeals are substantially similar; and the issues presented in each appeal significantly overlap.

3. As described more fully in the Memorandum of Law filed together herewith in support of the Motion (the “Memorandum of Law”), because these two appeals are founded upon the same facts and legal issues, the interests of judicial economy would best be served by consolidating these two appeals.

WHEREFORE, Appellee respectfully requests that the appeals docketed as Case No. 1:08-CV-01037 and Case No. 1:08-CV-01038 be CONSOLIDATED for all purposes. A proposed form of order is annexed hereto as Exhibit A.

Dated: New York, New York  
February 5, 2008

Respectfully submitted,

/s/ Corinne Ball

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ATTORNEYS FOR REORGANIZED  
DEBTORS

## **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----x  
In re :  
: Case Nos. 1:08-CV-01037 (PAC)  
Dana Corporation, *et al.*, : 1:08-CV-01038 (PAC)  
: Appellee.  
:  
-----x

**ORDER CONSOLIDATING APPEALS**

**WHEREAS**, on March 3, 2006 (the “Petition Date”), the Appellee filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Southern District of New York, Case No. 06-10354 (BRL); and

**WHEREAS**, on December 26, 2007, the United States Bankruptcy Court for the Southern District of New York entered the Order Confirming Third Amended Joint Plan of Reorganization of Debtors and Debtors In Possession (the “Order”) (Docket No. 7509); and

**WHEREAS**, on January 3, 2008, Appellant Ad Hoc Committee of Personal Injury Asbestos Claimants (the “Ad Hoc Committee”) filed a Notice of Appeal of the Order with the United States Bankruptcy Court for the Southern District of New York (Docket No. 7540), commencing appeal proceedings in the United States District Court for the Southern District of New York. On January 11, 2008, the Ad Hoc Committee filed a Statement of Issues on Appeal with the Bankruptcy Court (Docket No. 7604); and

**WHEREAS**, on January 4, 2008, Appellant Jose Angel Valdez (“Valdez” and, together with the Ad Hoc Committee, collectively, the “Appellants”) filed a Notice of Appeal of

the Order with the United States Bankruptcy Court for the Southern District of New York (Docket No. 7544), likewise commencing appeal proceedings in the United States District Court for the Southern District of New York. On January 14, 2008, Valdez filed his Statement of Issues on Appeal with the Bankruptcy Court (Docket No. 7622); and

**WHEREAS**, the Appellants in the above captioned bankruptcy appeals challenge the Order; and

**WHEREAS**, each of the above captioned appeals challenges the validity of the Bankruptcy Court's Order, such that there is a risk of inconsistent rulings absent consolidation; and

**WHEREAS**, the factual and legal record supporting the Order is identical as to all Appellants; the records on appeal submitted with respect to each of the above captioned appeals are substantially similar; and the issues presented in each appeal significantly overlap; and

**WHEREAS**, it appears that the interests of justice and efficiency will be best served by consolidating each of the above captioned appeals, in accordance with Fed. R. Civ. P. 42, Fed. R. Bankr. P. 7042, Fed. R. Bankr. P. 8011(b), and Southern District of New York Local Rule 15(a);

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the following bankruptcy appeals are consolidated for all purposes: In re Dana Corporation, et al., Case No. 1:08-CV-01037 (PAC) (S.D.N.Y.) (filed January 31, 2008) and In re Dana Corporation, et al., Case No. 1:08-CV-01038 (PAC) (S.D.N.Y.) (filed January 31, 2008). All pleadings in the consolidated case shall be captioned "In re Dana Corp., et al., No. 1:08-CV-\_\_\_\_\_ (PAC)," and

the Honorable Paul A. Crotty, United States District Judge in the Southern District of New York, shall hear and determine the consolidated appeal.

Dated: New York, New York  
February \_\_\_, 2008

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Honorable Paul A. Crotty  
UNITED STATES DISTRICT JUDGE

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re :  
Dana Corporation, *et al.*, : Case Nos. 1:08-CV-01037 (PAC)  
Appellee. : 1:08-CV-01038 (PAC)  
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**NOTICE OF MOTION OF REORGANIZED DEBTORS  
TO CONSOLIDATE APPEALS**

**PLEASE TAKE NOTICE** that Appellee Dana Corporation (“Dana”) along with its other affiliate debtors (collectively, the “Reorganized Debtors”), will move this Court for an order to consolidate the above captioned bankruptcy appeals for all purposes.

Dated: New York, New York  
February 5, 2008

Respectfully submitted,

/s/ Corinne Ball

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